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Note verbale dated 31 October 2018 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Malta to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to refer to the Committee's note verbale dated 7 February 2018, which referred to the submission of national implementation reports and called upon Member States to report on the concrete measures taken to implement the provisions of all relevant resolutions.

In that regard, the Permanent Mission of the Republic of Malta has the honour to transmit herewith the report of the Government of Malta on measures taken to implement Security Council resolutions 2371 (2017), 2375 (2017) and 2397 (2017) (see annexes I, II and III).

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Annex I to the note verbale dated 31 October 2018 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

Report of Malta on the implementation of Security Council resolution 2371 (2017)

I. Measures adopted by the European Union

Malta and the other States members of the European Union are implementing the restrictive measures against the Democratic People's Republic of Korea set forth in Security Council resolution 2371 (2017) and, to that end, have adopted the following measures:

(a) Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea. This decision implements the listing of additional persons and entities and is given effect by Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea;

(b) Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea and given effect by Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea.

Council Decision (CFSP) 2017/1562 of 14 September 2017 amending Decision (CFSP) 2016/849 lists the European Union's commitments to implementing the measures set out in resolution 2371 (2017), which:

- Prohibits the entry into the ports of Member States of vessels designated by the Committee, pursuant to paragraph 6 of resolution 2371 (2017), unless such entry is required because of an emergency or in the case of return to the port of origination. The Committee may grant an exemption under certain conditions.
- Clarifies the prohibition on owning, leasing or operating any vessel flagged by the Democratic People's Republic of Korea and the chartering of such vessels.
- Prohibits the procurement of coal, iron and iron ore from the Democratic People's Republic of Korea, unless the conditions mentioned in paragraph 8 of resolution 2371 (2017) are met.
- Prohibits the procurement of seafood from the Democratic People's Republic of Korea.
- Prohibits the procurement of lead and lead ore from the Democratic People's Republic of Korea.
- Prohibits Member States from exceeding the total number of work authorizations for nationals of the Democratic People's Republic of Korea provided in the jurisdictions of Member States and valid on any date after 5 August 2017, unless exempted by the Committee on a case-by-case basis.
- Prohibits the opening of new joint ventures or cooperative entities with individuals from or entities of the Democratic People's Republic of Korea, or the expansion of existing joint ventures, unless exempted by the Committee on a case-by-case basis.

- Clarifies the prohibition on the transfer and clearing of funds to or from the Democratic People's Republic of Korea.
- Clarifies that companies performing financial services commensurate with those provided by banks are considered financial institutions.
- Orders the seizure and disposal of items the export of which is prohibited by resolution 2371 (2017).

While decisions of the Council of the European Union enter into force on the day of their publication, regulations of the Council of the European Union and European Commission implementing regulations are binding in their entirety and are directly applicable in the legal systems of all States members of the European Union upon their publication. Both decisions and regulations are published in the *Official Journal of the European Union*.

II. National implementation measures

The National Interest (Enabling Powers) Act, chapter 365 of the Laws of Malta, as amended by Act XXI of 31 May 2018, provides for the direct applicability of all sanctions measures issued by the United Nations and the European Union, which are enforceable in Malta without the need for any further transposition into Maltese law. The sanctions measures that are directly applicable are all sanctions related to Security Council resolutions and European Union regulations. Penalties for breaches of sanctions, including any breaches of Council resolution 2371 (2017), are established under article 6 of the National Interest (Enabling Powers) Act. It is incumbent on all authorities in Malta, as well as on legal and natural persons, to have in place and effectively implement internal controls and procedures to ensure compliance with the obligations arising from United Nations or European Union resolutions.

Malta confirms that all of the obligations listed under Security Council resolution 2371 (2017) are being implemented in full and further confirms the following in the light of very limited links with the Democratic People's Republic of Korea:

There were no vessels designated by the Committee, pursuant to paragraph 6 of resolution 2371 (2017), that have entered the ports of Malta and no chartering of any vessels flagged by the Democratic People's Republic of Korea.

There have been no imports of coal, iron, iron ore, lead, lead ore, seafood (including fish, crustaceans, molluscs and other aquatic invertebrates in all forms) procured from the Democratic People's Republic of Korea.

No new work authorizations have been granted to nationals of the Democratic People's Republic of Korea on or after 5 August 2017.

There were no instances of transfer or clearing of funds to or from the Democratic People's Republic of Korea.

There are no joint ventures or cooperative entities with individuals from and entities of the Democratic People's Republic of Korea.

Malta had no cases of interception of goods found to be contrary to the prohibitions contained in Security Council resolution 2371 (2017).

The Maltese authorities have flagged no difficulties in the implementation of Security Council resolution 2371 (2017) and will continue to remain vigilant to ensure its implementation in full.

Annex II to the note verbale dated 31 October 2018 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

Report of Malta on the implementation of Security Council resolution 2375 (2017)

I. Measures adopted by the European Union

Malta and the other States members of the European Union are jointly implementing the restrictive measures against the Democratic People's Republic of Korea set forth in Security Council resolution 2375 (2017) by adopting the following measures:

(a) Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea. This decision implements the listing of additional persons and entities and is given effect by Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea;

(b) Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea and given effect by Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea.

Council Decision (CFSP) 2017/1838 of 10 October 2017 lists the commitments of the European Union to implementing the measures set forth in resolution 2375 (2017), which:

- Prohibits additional weapons of mass destruction-related dual-use items, as adopted by the Committee, pursuant to paragraph 4 of resolution 2375 (2017).
- Prohibits additional conventional arms-related items, as adopted by the Committee, pursuant to paragraph 5 of resolution 2375 (2017).
- Prohibits the import of textiles from the Democratic People's Republic of Korea, unless such import falls under the conditions mentioned in paragraph 16 of resolution 2375 (2017) or as otherwise exempted by the Committee.
- Prohibits the export of all condensates and natural gas liquids to the Democratic People's Republic of Korea.
- Prohibits the export of all refined petroleum products to the Democratic People's Republic of Korea, unless the conditions mentioned in paragraph 14 of resolution 2375 (2017) are met.
- Prohibits, unless exempted by the Committee on a case-by-case basis, the export of an amount of crude oil that is in excess of the amount that the Member State exported over the 12-month period prior to 11 September 2017.
- Prohibits, unless exempted by the Committee on a case-by-case basis under certain conditions, the provision of work authorizations for nationals of the Democratic People's Republic of Korea in their jurisdictions in connection with admission to their territories.

- Prohibits, unless authorized by the Committee on a case-by-case basis, the opening, maintenance and operation of all joint ventures or cooperative entities and obliges the closure of any such existing joint venture or cooperative entity.
- Prohibits the entry into the ports of Member States of vessels designated by the Committee, pursuant to paragraph 6 of resolution 2375 (2017).
- Orders Member States that are flag States and do not consent to inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection.
- Requires the deregistration of vessels designated by the Committee, pursuant to paragraph 8 of resolution 2375 (2017).
- Requires Member States to submit a report to the Committee when the flag State does not consent to an inspection.
- Prohibits the facilitating or engagement in ship-to-ship transfers to or from flagged vessels of the Democratic People's Republic of Korea of any goods or items supplied, sold or transferred to or from the Democratic People's Republic of Korea.
- Obliges the seizure and disposal of items the export of which is prohibited by resolution 2375 (2017).

While decisions of the Council of the European Union enter into force on the day of their publication, regulations of the Council of the European Union and European Commission implementing regulations are binding in their entirety and are directly applicable in the legal systems of all States members of the European Union upon their publication. Both decisions and regulations are published in the *Official Journal of the European Union*.

II. National implementation measures

The National Interest (Enabling Powers) Act, chapter 365 of the Laws of Malta, as amended by Act XXI of 31 May 2018, provides for the direct applicability of all sanctions measures issued by the United Nations and the European Union, which are enforceable in Malta without the need for any further transposition into Maltese law. The sanctions measures that are directly applicable are all sanctions related to Security Council resolutions and European Union regulations. Penalties are established under article 6 of the National Interest (Enabling Powers) Act. It is incumbent on all authorities in Malta, as well as on legal and natural persons, to have in place and effectively implement internal controls and procedures to ensure compliance with the obligations arising from United Nations or European Union resolutions.

Malta confirms that all of the obligations listed under Security Council resolution 2375 (2017) are being implemented in full and further confirms the following in the light of negligible links with the Democratic People's Republic of Korea:

No exports of weapons of mass destruction-related dual-use items and conventional arms-related items, and no condensates, natural gas liquids, crude oil and refined petroleum products, have been exported to the Democratic People's Republic of Korea. There has been no import of textiles from the Democratic People's Republic of Korea.

Moreover, there have been no instances of vessels designated by the Committee, pursuant to paragraph 6 of resolution 2375 (2017), that have entered the ports of Malta and no instances that necessitated deregistration.

No new work authorizations have been granted to nationals of the Democratic People's Republic of Korea, and there continue to be no joint ventures or cooperative entities with individuals from and entities of the Democratic People's Republic of Korea.

Malta has had no cases of interception of goods found to be contrary to the prohibitions contained in Security Council resolution 2375 (2017).

The Maltese authorities have flagged no difficulties in the implementation of Security Council resolution 2375 (2017) and will continue to remain vigilant to ensure its implementation in full.

Annex III to the note verbale dated 31 October 2018 from the Permanent Mission of Malta to the United Nations addressed to the Chair of the Committee

Report of Malta on the implementation of Security Council resolution 2397 (2017)

I. Measures adopted by the European Union

Malta and the other States members of the European Union are jointly implementing the restrictive measures against the Democratic People's Republic of Korea set forth in Security Council resolution 2397 (2017) by adopting the following measures:

(a) Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea. This decision implements the listing of additional persons and entities and is given effect by Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea;

(b) Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea and given effect by Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea.

Council Decision (CFSP) 2018/293 of 26 February 2018 lists the commitments of the European Union to implementing the measures set forth in resolution 2397 (2017), which:

- Prohibits the import of food and agricultural products, machinery, electrical equipment and earth and stone, including magnesite and magnesia, wood and vessels.

- Prohibits the procurement of fishing rights from the Democratic People's Republic of Korea.

- Prohibits the export of all industrial machinery, transportation vehicles and iron, steel and other metals, unless it has been determined by a Member State that the provision of spare parts is needed to maintain the safe operation of civilian passenger aircraft of the Democratic People's Republic of Korea.

- Prohibits the direct and indirect supply of all crude oil to the Democratic People's Republic of Korea, whether or not originating in the territories of the Member States, including by means of pipelines, rail lines or vehicles.

- Limits the amount of refined petroleum products authorized for export to 500,000 barrels per year, including by means of pipelines, rail lines and vehicles.

- Requires the seizure and disposal of items in violation of the various Security Council resolutions.

- Poses an obligation to repatriate immediately all nationals of the Democratic People's Republic of Korea earning income in the jurisdiction of a Member State and all government safety oversight attachés of that country monitoring those nationals by 21 December 2019 at the latest, unless certain exceptions apply, subject to applicable national and international law.

- Requires Member States to seize, inspect and impound any vessel in their ports and have the power to seize, inspect and impound any vessel subject to their jurisdiction in their territorial waters where there are reasonable grounds to believe that the vessel has been involved in activities, or the transport of items, prohibited by the various Security Council resolutions.
- Requires Member States to cooperate as promptly as possible and in an appropriate manner with another State that has information that leads it to suspect that the Democratic People's Republic of Korea is attempting to supply, sell, transfer or procure, directly or indirectly, illicit cargo and where that State requests additional maritime and shipping information in order to, inter alia, determine whether the item, commodity or product in question originated in the Democratic People's Republic of Korea.
- Prohibits the provision by nationals of Member States, or from the territories of Member States, of insurance or reinsurance services to vessels that it has reasonable grounds to believe were involved in prohibited activities. The Committee may authorize such services if it determines, on a case-by-case basis, that the vessel is engaged in activities exclusively for livelihood purposes that will not be used by individuals from and entities of the Democratic People's Republic of Korea to generate revenue, or exclusively for humanitarian purposes.
- Prohibits classification services to vessels that it has reasonable grounds to believe was involved in prohibited activities, unless approval has been granted in advance by the Committee on a case-by-case basis.
- Requires Member States to deregister any vessel where there are reasonable grounds to believe that the vessel has been involved in activities, or the transport of items, prohibited by the various Security Council resolutions.
- Prohibits, unless approved in advance by the Committee on a case-by-case basis, the registration of vessels that have been deregistered by another Member State pursuant to the various Security Council resolutions.
- Prohibits claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, wholly or in part, by the various Security Council resolutions.

While decisions of the Council of the European Union enter into force on the day of their publication, regulations of the Council of the European Union and European Commission implementing regulations are binding in their entirety and are directly applicable in the legal systems of all States members of the European Union upon their publication. Both decisions and regulations are published in the *Official Journal of the European Union*.

II. National implementation measures

The National Interest (Enabling Powers) Act, chapter 365 of the Laws of Malta, as amended by Act XXI of 31 May 2018, provides for the direct applicability of all sanctions measures issued by the United Nations and the European Union, which are enforceable in Malta without the need for any further transposition into Maltese law. The sanctions measures that are directly applicable are all sanctions related to Security Council resolutions and European Union regulations. Penalties are established under article 6 of the National Interest (Enabling Powers) Act. It is incumbent on all authorities in Malta, as well as on legal and natural persons, to have in place and effectively implement internal controls and procedures to ensure compliance with the obligations arising from United Nations or European Union resolutions.

Malta confirms that all of the obligations listed under Security Council resolution 2397 (2017) are being implemented in full and further confirms the following in the light of negligible links with the Democratic People's Republic of Korea:

Malta has not imported from or exported any goods to the Democratic People's Republic of Korea in violation of the various Security Council resolutions, and no vessels have been intercepted in Maltese territorial waters where there were reasonable grounds to suspect the carriage of prohibited items. No insurance or reinsurance or classification services have been provided to any vessels owned or operated by individuals from or entities of the Democratic People's Republic of Korea, and there have been no cases where deregistration of a vessel was deemed necessary for violation of Council resolutions. Likewise, Malta has not registered any vessels owned or operated by individuals from or entities of the Democratic People's Republic of Korea that had been deregistered by another Member State pursuant to the various Council resolutions, and no fishing rights from the Democratic People's Republic of Korea have been procured.

There are currently no nationals of the Democratic People's Republic of Korea who have work authorizations in Malta.

Malta has had no cases of interception of goods found to be contrary to the prohibitions contained in Security Council resolution 2397 (2017).

The Maltese authorities have flagged no difficulties in the implementation of Security Council resolution 2397 (2017) and will continue to remain vigilant to ensure its implementation in full.